

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

COMARCO WIRELESS TECHNOLOGIES, INC.,
Patent Owner

Case IPR2015-01879
Patent 8,492,933

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION
PURSUANT TO 37 C.F.R. §42.10(C)**

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Apple Inc. (“Petitioner” or “Apple”) respectfully requests that the Board recognize Brett J. Williamson as counsel *pro hac vice* in this proceeding. Petitioner’s lead counsel in this proceeding is a registered practitioner and, as illustrated below, Mr. Williamson is an experienced litigator with an established familiarity with this proceeding’s subject matter. Thus, there is good cause for the Board to recognize Mr. Williamson *pro hac vice* in this proceeding. 37 C.F.R. § 42.10(c).

II. TIME FOR FILING

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition. (*Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR 2013-00639, Paper No. 7 (PTAB Oct. 15, 2013).)

III. STATEMENT OF FACTS

This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on September 17, 2015 (Paper No. 3). Petitioner’s lead and back-up counsel are registered practitioners.

Where lead counsel is a registered practitioner, the Board may permit a non-registered practitioner to appear *pro hac vice* “upon a showing that counsel is an experienced litigating attorney and has established familiarity with the

subject matter at issue in the proceeding.” 37 C.F.R. §42.10(c); *Unified Patents*, Case IPR2013-00639 (Paper 7) (setting forth requirements for *pro hac vice* admission). As set forth in his Declaration submitted herewith (Ex. Apple 1020), Mr. Williamson is an experienced litigator. He is a Partner with O'Melveny & Myers LLP with over 25 years' experience representing clients in patent and technology related litigation including matters involving similar technology to that at issue in this proceeding. Mr. Williamson has litigated patent matters through trial and appeal and has argued complex claim construction and invalidity issues at both the district court and appeals level.

Mr. Williamson is also familiar with the subject matter of this proceeding. He is lead counsel for Petitioner in the underlying district court litigation on the patent at issue in this *Inter Partes* Review proceeding, U.S. Patent No. 8,492,933 (“’933 Patent”). As such, he has reviewed and analyzed the ’933 Patent, its file history, the patent holder’s infringement contentions, and the petitioner’s located prior art. Mr. Williamson was involved in drafting and signed the petitioner’s invalidity contentions in the district court litigation, which include the same references and grounds asserted in this proceeding. He has also advised Petitioner regarding claim construction positions for both the district court litigation and this proceeding. Mr. Williamson has also been involved in preparing the petition for *Inter Partes* Review submitted in this proceeding, including working with Dr. Davis, the petitioner’s expert declarant.

Based on his work in the underlying litigation, involvement with the petition in this proceeding, and the other facts detailed in his declaration, Mr. Williamson has significant familiarity with the subject matter in this proceeding. Petitioner wishes to apply Mr. Williamson's knowledge of the patent and litigation experience by employing him as counsel in this proceeding. Admission of Mr. Williamson *pro hac vice* will enable Petitioner to avoid unnecessary expense and duplication of work in this proceeding and between it and the co-pending litigation. Because Mr. Williamson is an experienced practitioner with an established familiarity with the subject matter of this proceeding, Petitioner respectfully submits that there is good cause under 37 C.F.R. § 42.10(c) to recognize Mr. Williamson as counsel *pro hac vice* during this proceeding.

IV. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This motion for *pro hac vice* admission is supported by the accompanying Declaration of Brett J. Williamson (Ex. Apple 1020), as required by the *Unified Patents*, Case IPR2013-00639, Paper 7.

Respectfully submitted,

/s/ Xin-Yi Zhou
Xin-Yi Zhou (Reg. No. 63,366)

PETITIONER'S UPDATED LIST OF EXHIBITS

- Apple 1001 U.S. Patent No. 8,492,933 (“the ’933 Patent”)
- Apple 1002¹ File History for U.S. Patent Application No. 13/707,119,
which ultimately issued as U.S. Patent No. 8,492,933
- Apple 1003 U.S. Patent No. 7,243,246 (“Allen”)
- Apple 1004 U.S. Patent No. 7,296,164 (“Breen”)
- Apple 1005 U.S. Patent No. 6,054,846 (“Castleman”)
- Apple 1006 European Patent Application Publication EP 1487081A2
 (“Veselic”)
- Apple 1007 U.S. Patent No. 5,649,001 (“Thomas”)
- Apple 1008 Universal Serial Bus Specification (Revision 2.0) (Apr. 27,
2000)
- Apple 1009 Dallas Semiconductor DS2501-UNW/DS2502-UNW
UniqueWare™ Add Only Memory Datasheet (1995)
- Apple 1010 Declaration of Nathaniel J. Davis IV, Ph.D. in Support of
Apple Inc.’s Petition for *Inter Partes* Review of U.S. Patent
No. 8,492,933
- Apple 1011 Comarco Wireless Technologies, Inc.’s Disclosures Pursuant
to Rules 2.1 and 2.2 of Judge Guilford’s Standing Patent Rules
served in *Comarco Wireless, Inc. v. Apple Inc.*, Case No. 8:15-cv-
00145-AG (C.D. Cal. Apr. 14, 2015)
- Apple 1012 U.S. Patent No. 6,429,622 (“Svensson”)
- Apple 1013 U.S. Patent No. 5,297,015 (“Miyazaki”)
- Apple 1014 U.S. Patent No. 5,648,711 (“Hakkarainen”)
- Apple 1015 U.S. Patent No. 6,934,561 (“Burrus”)

¹ For ease of reference, Apple has added consecutive page numbers to the bottom of each page of exhibits that lack consecutive page numbering, such as Apple 1002.

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